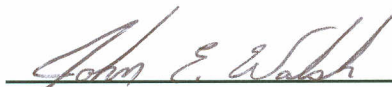


**DMA Policy:** 3-0213  
**Name:** ON-CALL COMPENSATION  
**Reference:** MCA 39-4-107  
MOM 3-5010  
DMA 3-0210; 3-0211; 3-0212; 3-0220

**Approval Signature:** 

**Effective Date:** July 1, 2009

## **PURPOSE**

This policy provides guidance for the management of overtime and compensatory time for Department of Military Affairs' on-call employees and their supervisors who are not members of a bargaining unit.

## **DEFINITIONS**

**Standard Work Schedule:** A work schedule consisting of forty (40) hours between 6:00 a.m. and 6:00 p.m., Monday through Friday with a one (1) hour lunch break between 11:00 a.m. and 2:00 p.m. and one (1) 15 minute rest break in the morning and one (1) 15 minute rest break in the afternoon. Any work schedule differing from a standard work schedule with respect to a work day or a work week is considered to be an alternate work schedule. (DMA Policy 3-0220)

**Standard Workday:** A period of eight hours constitutes a normal workday (MCA 39-4-107).

**Situational Pay:** Pay based on situations atypical in either the majority of jobs in Montana State government or in jobs used to make market pay comparisons. To be compensable, a job situation should be one that causes difficulty in recruitment and retention because of job requirements such as unusual hours of work, environmental hazards, or unusual physical demands. Some examples of situational pay are hazardous duty pay, on-call pay, subsistence pay and pay for excessive travel. (M.O.M. 3-5010)

## **POLICY**

It is the policy of the department that exempt and non-exempt employees under the Fair Labor Standards Act will be provided compensation for their commitment and performance while engaged as an on-call employee.

On-call status entails being available, during a non-work status, to receive and handle calls relating to disaster, emergency and immediate need situations after regularly scheduled work hours. Compensation for on-call employees may be at a situational pay rate equal to 1 ½ times their regular rate or compensatory time may be accrued in accordance with Department policies 3-0211 and 3-0212 at the discretion of the employee's supervisor.

Any hours worked by an employee receiving nonexempt compensatory hours that exceed the 60 hour maximum accrual will be compensated as cash overtime. (DMA Policy 3-0210)

On-call employees will record the actual time worked responding to a call, outside of normal office hours, and the following minimum hours for each completed on-call shift:

- One hour of time worked for a normal business day;
- Two hours of time worked for a Saturday or Sunday,
- Four hours worked for a state observed holiday.

The minimum hours for each shift are non-cumulative – only one criteria will be reported for each day as duty officer. See example below.

Any call received by an on-call employee after normal business hours, on weekends, or holidays will be considered work time. Actual time worked responding to the call, including time spent waiting for return calls related to the initial call, will be recorded to the nearest 1/10 of an hour on the employee's time sheet. Actual time worked is in addition to the minimum time worked for each completed on-call shift.

EXAMPLE: A call is received at 10:00 p.m. and ends at 10:17 p.m. on a normal business day. The employee would record on his/her time sheet, 1 hour of time worked for being on call and 3/10 of an hour for responding to the call.

All on-call hours will be recorded on the employee's time card on the day the hours were earned.

Normal commuting travel to and from work is not time worked unless the employee is called out in an after hours emergency in which case all hours from the time the employee leaves home until they return home are counted as time worked.

Supervisors are responsible for verifying work time and ensuring accurate hours worked and proper pay codes are recorded on the employee's time sheet.

Hours worked as a DES Duty Officer employee under a Governor's executive order (declaration) for an incident, emergency or disaster will be paid in accordance with DMA Policy 3-0212 "Emergency Event Compensation".